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09/238,948	01/27/1999	JAMES D. LOGAN	JDL-003	5659
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TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/238,948

Applicant(s)

LOGAN ET AL. 

Examiner

Son P Huynh

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 27 January 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 55 is/are allowed.
- 6) ☒ Claim(s) 1-45, 47-54 and 56-72 is/are rejected.
- 7) ☒ Claim(s) 46 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. This application repeats a substantial portion of prior Application No. 08/723,641, filed 10/03/1996, now patent number 5/892,536, and adds and claims additional disclosure not presented in the prior application. Since this application names an inventor or inventors named in the prior application, it may constitute a continuation-in-part of the prior application. Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.
2. Effective filing date of presently claimed subject matter.

Examiner has reviewed the specification of patent number 5/892,536 and determined the elements being claimed in claims 1 and 2 of application 09/238,948 is disclosed in the patent number 5/892,536. Therefore, the effective date of these claims is the filing date of patent number 5/892,536. The effective date of claims 3-72 is the filing date of application 09/238,948 because the elements being claimed in claims 3-72 disclose a new subject matter.

Drawings

3. The drawings are objected to because a detail text is not indicated on each block of the drawing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the "second communication system 144" on page 40, line 8; the "processor 42" on page 21, lines 7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

Art Unit: 2611

regards as the invention. It is unclear the processor is at receiving site or at the monitor station.

7. Claims 21, 40, 49-50, 59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 21 and 40, "said stored broadcast programming signal" lacks of antecedent basis.

In claim 49, "said receiver" in part (d) lacks of antecedent basis.

In claim 59, "said topic data signal" in part (e) lacks of antecedent basis.

Double Patenting

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 2611

9. Claims 1, 41 and 49 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 22 of U.S. Patent No. 5/892,536. Although the conflicting claims are not identical, they are not patentably distinct from each other.

Regarding claims 1 and 49, the elements being claimed are recited in patent claim 22. Claim 1 or 49 is broader in scope than patent claim 22.

Regarding claim 41, the elements being claimed are recited in patent claim 22 except including a blocking signal in the marking signal. However, Official Notice is taken that generating blocking signal from a monitor station for remote control is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '536' to transmit blocking signal from monitor station as taught by a well-known technique in order to give a parental control of the display.

Allowance of claims 1, 41 and 49 would result in an un-warranted time wise extension of the monopoly granted for the invention as defined in claims 22 of patent number 5/892,536.

Claim Rejections - 35 USC § 102

Art Unit: 2611

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3, 5-7, 22-23 and 49 are rejected under 35 U.S.C. 102(b) as being anticipated by Von Kohorn (US 4,605,973).

Regarding claim 1, Von Kohorn discloses a remote recording and editing system for use with a transmitter of broadcast programs. The system comprises a central station 32 and receiving station 26, wherein the monitor 34 at the central station receives broadcast signal, the monitor person at the central station using command signal generator 36 to generate a command signal to delete out unwanted material of the broadcast program, the command signal is sent to the transponder 40 for transmitting to the receiving station. At the receiving station, receiver 24 receives the broadcast signal, the delay unit 35 connects with the television receiver 24 to delay presentation of program until the receiver station receives command signal from central station. The receiver 44 receives command signal from central station, a converter 46 coupled to receiver 44 for converting the format of the encoded command signal to a signal format suitable for operation of the deactivator 42, and the deactivator 42 modify the broadcast signal such as deleting unwanted material of broadcast signal based on the command signal sent from central station (see figure 1). Therefore, monitor 34 reads the monitor being claimed; command signal generator 36 reads on the editing unit

Art Unit: 2611

being claimed; antenna 68 and transponder 40 read on the first communication system being claimed; television receiver 24 reads on the receiver being claimed; delay unit 35 reads on the buffer being claimed; receiver 44 reads on the second communication system being claimed and converter 46 and deactivator 42 read on the processor being claimed.

Regarding claim 2, Von Kohorn discloses "marking interface" coupled to the deactivator 42 for receiving input signals representative of user-generated instructions for selection of a "marking signal" for user in modifying the broadcast program signal (see col. 7, line 61-col. 8, line 10).

Regarding claim 3, Von Kohorn discloses user generated instruction is input via a keyboard (see col. 7, line 61-col. 8, line 10).

Regarding claim 5, Von Kohorn discloses receiver 44 for receiving command signal (see figure 1).

Regarding claim 6, Von Kohorn discloses the second communication system is a point-to-point communication device (see col.10, lines 5-25).

Regarding claim 7, Von Kohorn discloses the point-to-point communication device is a cellular telephone (see col.10, lines 5-25).

Regarding claim 22, Von Kohorn discloses the source 92 of channel data for use in selection of broadcast channel. When user select a channel via source 92, the broadcast program from the selected channel is received and stored (see col. 7, line 61 – col. 8, line 7). Inherently, the processor comprises a selection control program for generating a signal representative of a user-specified program selection.

Regarding claim 23, Von Kohorn discloses the receiver 24 tunes to the channel selected by the user input (see figure 1). Inherently, the selection control program is further for monitoring the user-specified selection and generating a program selection signal representative of the user-specified program selection.

Regarding claim 49, the elements being claimed are rejected as discussed in the rejection of claim 1.

12. Claim 62 is rejected under 35 U.S.C. 102(b) as being anticipated by Legall et al. (US 6,005,565).

Regarding claim 62, Legall et al. discloses a method of receiving computer readable data being representative of a beginning of a program segment; and generating a marking signal in response thereto, the marking signal being

Art Unit: 2611

representative of information for modifying a broadcast programming signal (see figures 3A and 6).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 4,605,973) as applied to claim 1 above, and in view of Aras et al. (US 5,872,588).

Regarding claim 4, Von Kohorn discloses a system as discussed in the rejection of claim 1. However, Von Kohorn fails to disclose the receiver comprises two or more tuners for receiving multiple broadcast programming signals.

Aras et al. discloses using multiple tuners at a receiver (see col. 15, lines 14-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn to provide two tuners in the receiver at taught by Hite et al. in order to allow the receiver receives different broadcast signals simultaneously.

15. Claims 8- 13, 41-45, 47-48, 50- 54, 69-70, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 4,605,973) as applied to claim 1 above, and in view of Chard (US 4,605,964).

Regarding claim 8, Von Kohorn discloses a system as discussed in the rejection of claim 1. However, Von Kohorn fails to disclose the information for modifying a broadcast programming signal is a time notation relative to a program segment of the broadcast programming signal.

Chard discloses determining the time of occurrence and nature of the possibly undesirable events which are to be edited out (see col. 1, lines 54-56). Inherently, the information for modifying a broadcast programming signal is time notation relative to a program segment of the broadcast programming signal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn to provide time notation relative to program segment of the broadcast programming in the information to increase accurate modifying.

Regarding claim 9, Chard discloses the time notation is selected from the group consisting of a time notation relative to a beginning of a program segment of the broadcast programming signal and a time notation of an absolute time of a program

Art Unit: 2611

segment of a broadcast programming signal (see col. 3, lines 4-10 and col. 7, lines 13-20).

Regarding claim 10, Von Kohorn discloses the receiver 44 send a request to central station to change instructions while on vacation or while away from home. The central station receives the request and sends command signal to receiving station based on the user instructions (see col. 10, lines 5-25). Inherently, the requested signal sent from receiver 44 comprises program identification system.

Regarding claim 11, Von Kohorn discloses receiving station can enter the numerical designation of the channel on which a program is to be received, this being the program which is edited (see col. 7, lines 60.65). Inherently, the program identification system is a numerical guide.

Regarding claim 12, Von Kohorn in view of Chard discloses the central station receives the requested signal and transmits command signals based on the requested signal as discussed in the rejection of claim 10.

Regarding claim 13, Von Kohorn in view of Chard discloses receiver 44 receives command signal representative of information on a time notation relative to a program segment as discussed in the rejection of claims 5 and 8.

Regarding claim 41, Chard discloses blocking unwanted signal (see col. 7, lines 1-24).

Regarding claim 42, Von Kohorn discloses recorder 30 stops if logic 1 signals is detected and continue recording if logic 0 is detected (see col. 8, lines 8-33). Von Kohorn further discloses In order to prevent the unauthorized use of the editing messages by those who have not paid the fee, the message could be further coded, with corresponding decoding circuitry employed at each receiving station so as to permit the reception of the editing messages only by those who are authorized subscribers to the services (see col. 8, lines 61-68). Inherently, the blocking signal is representative of information for preventing the deletion of a segment of a segment of the broadcast programming signal.

Regarding claim 43, Von Kohorn discloses with corresponding decoding circuitry employed at each receiving station so as to permit the reception of the editing messages only by those who are authorized subscribers to the services (see col. 8, lines 64-68). Inherently, the processor is for removing the blocking signal from the marking signal, thereby allowing deletion of the segment of the broadcast programming signal.

Regarding claim 44, Chard discloses the blocking video signal is displayed as a blank (see col. 7, lines 20-22).

Regarding claim 45, Von Kohorn in view of Chard discloses a system as discussed in the rejection of claim 44. Von Kohorn further discloses the receiving send a request to the central station to change the instructions (see col. 10, lines 6-25). However, neither Von Kohorn nor Chard discloses removing blocking signal from marking signal for allowing viewing of the segment of the broadcast programming signal. Official Notice is taken that it is well known in the art to use authorized code to remove blocking signal. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn and Chard with a well - known technique of removing blocking signal in order for allowing viewing the segment.

Regarding claim 47, the elements being claimed correspond to the elements being claimed in claim 2 and are analyzed as discussed in the rejection of claim 2.

Regarding claim 48, the elements being claimed correspond to the elements being claimed in claim 3 and are analyzed as discussed in the rejection of claim 3.

Regarding claim 50, Chard discloses the buffer is a pre-recorded disc or tape (see col. 2, line 15). Inherently, the buffer initially located remotely from the user system.

Regarding claim 51, the claim limitations read on system being claimed in claim 42 and are analyzed as discussed in the rejection of claim 42.

Regarding claim 52, the claim limitations read on system being claimed in claim 42 and are analyzed as discussed in the rejection of claim 43.

Regarding claim 53, the elements of the method being claimed correspond to the elements of the system being claimed in claim 44 and are analyzed as discussed in the rejection of claim 44.

Regarding claim 54, the elements of the method being claimed correspond to the elements of the system being claimed in claim 45 and are analyzed as discussed in the rejection of claim 45.

Regarding claim 69, the elements of the method being claimed correspond to the elements of the system being claimed in claims 10, 12 and are analyzed as discussed in the rejection of claims 10 and 12.

Regarding claim 70, the elements of the method being claimed correspond to the elements of the system being claimed in claims 9, 10, 12 and are analyzed as discussed in the rejection of claim 9, 10, 12.

Regarding claim 72, the elements being claimed correspond to the element being claimed in claim 69. Further, Von Kohorn discloses receiving station can enter the

numerical designation of the channel on which a program is to be received, this being the program which is edited (see col. 7, lines 60.65).

16. Claims 24- 26, 28-30 and 56 - 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 4,605,973) as applied to claim 1 above, and in view of Stautner et al. (US 6,172,677).

Regarding claim 24, Von Kohorn discloses a system as discussed in the rejection of claim 1. However, Von Kohorn fails to disclose the processor comprising a viewing control program for monitoring user viewing habits and generating a viewing log of the broadcast programming signal viewed by the user.

Stautner et al. discloses the information respect to a given user to learn their usage pattern. Log files are maintained which will stored a pattern of uses. If a user four nights in a row watches the 10 O'clock news on a particular channel, the computer can recognize this fact and present an option to the user to turn on either immediately before the 10 O'clock news or exactly at the 10 O'clock news tune to that channel (see col. 7, line 56-col. 8, line 4). Inherently, the viewing control program for monitoring user viewing habits and generating a viewing log of the broadcast programming signal viewed by the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn to provide viewing control program as taught by Stautner in order to store user viewing habits for later use.

Regarding claim 25, Von Kohorn in view of Stautner et al. discloses a system as discussed in the rejection of claim 24. However, neither Von Kohorn nor Stautner discloses generating a topic data signal representative of user preferences based on the viewing habit. Official Notice is taken that generating a topic data signal representative of user preferences based on the viewing habits for an efficient use in later time is well known in the art. Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn and Stautner et al. to generate a topic data signal representative of user preferences based on the viewing habits as taught by the well-known technique in order to give an efficient broadcasting of program and advertises in the future.

Regarding claim 26, Stautner et al. discloses the computerized database for storing information with respect to a given user viewing habits (see col. 7, line 56 – col. 8, line 3). Obviously, the topic data signal is stored in the database.

Regarding claim 28, Von Kohorn in view of Stautner et al. discloses a system as discussed in the rejection of claim 24. However, neither Von Kohorn nor Stautner et al. discloses generating a priority data signal representative of user priority based on the viewing habits. Official Notice is taken that generating a priority data signal representative of user priority based on the viewing habits to increase efficiency of the processor is well known in the art. Therefore, it would have been obvious to one of

Art Unit: 2611

ordinary skill in the art at the time the invention was made to modify Von Kohorn and Stautner et al. by generating a priority data signal as taught by the well-known technique in order to increase efficiency of the processor.

Regarding claim 29, the elements being claimed correspond to the elements being claimed in claim 26 and analyzed as discussed with respect to the rejection of claim 26.

Regarding claim 30, Stautner discloses if a user four nights in a row watches the 10 O'clock news on a particular channel, the computer can recognize this fact and present an option to the user to turn on either immediately before the 10 O'clock news or exactly at the 10 O'clock news tune to that channel (see col. 7, line 56-col. 8, line 4). Inherently, the processor comprises a segment processor, responsive to the priority data signal, for ordering segments of the broadcast programming signal according to the viewing habits.

Regarding claim 56, the elements being claimed correspond to the element being claimed of system in claim 24. Further, Stautner et al. discloses receiving a second broadcast programming signal (see col. 7, line 65-col. 8, line 3). Neither Von Kohorn nor Stautner et al. discloses generating a marking signal representative of information for modify the second broadcast programming signal in response to the viewing log signal. Official Notice is taken that generating a marking signal to edit the broadcast program is

Art Unit: 2611

well known in the art. Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn and Stautner et al. to generate a marking signal for second broadcast programming signal in order to edit the broadcast programming signal.

Regarding claim 57, Stautner et al. discloses receiving the viewing log signal from receiving station (see col. 7, line 50-col. 8, line 10).

Regarding claim 58, the elements being claimed correspond to the element being claimed of system in claim 25. Further, Stautner et al. discloses receiving a second broadcast programming signal (see col. 7, line 65-col. 8, line 3). Inherently, as disclosed by Von Kohorn, a second marking signal representative of information for modifying a selection of program of the second broadcast programming signal to be stored in a buffer. Neither Von Kohorn nor Stautner et al. discloses generating a proprietary program signal containing program segments having characteristic representative of the user preferences in response to the topic data signal and the second marking signal. Official Notice is taken that generating a proprietary program signal based on user preferences is well known in the art. Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn and Stautner et al. with a well-known technique to generate a proprietary program signal containing program segments based on user preferences in response to the topic data signal and second marking signal in order to provide programs based on user interests.

Regarding claim 59, the elements being claimed correspond to the element being claimed of system in claim 28. Further, Stautner et al. discloses receiving a second broadcast programming signal (see col. 7, line 65-col. 8, line 3). Inherently, as disclosed by Von Kohorn, a second marking signal representative of information for modifying a selection of program of the second broadcast programming signal to be stored in a buffer. Neither Von Kohorn nor Stautner et al. discloses generating a proprietary program signal having program segments ordered based on the user preferences in response to the topic data signal and the second marking signal. Official Notice is taken that generating a proprietary program signal having program segments ordered based on the user preferences is well known in the art. Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn and Stautner et al. with a well-known technique to generate a proprietary program signal having program segments ordered based on user preferences in response to the topic data signal and second marking signal in order to increase efficiency by providing user a best program.

Regarding claim 60, Von Kohorn discloses storing the broadcast programming signals (see figure 2).

Regarding claim 61, Stautner et al. discloses the information respect to a given user to learn their usage pattern. Log files are maintained which will stored a pattern of

uses. If a user four nights in a row watches the 10 O'clock news on a particular channel, the computer can recognize this fact and present an option to the user to turn on either immediately before the 10 O'clock news or exactly at the 10 O'clock news tune to that channel (see col. 7, line 56-col. 8, line 4). Inherently, the signals are monitored, received and stored in database based on the user selections in the four nights; it also generate a program selection signal representative of user selection and received and stored the second set of news.

17. Claims 14- 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 4,605,973) in view of Chard (US 4,605,964) as applied to claim 13 above, and further in view of Woo (US 5,485,219).

Regarding claim 14, Von Kohorn in view of Chard discloses a system as discussed in the rejection of claim 13. However, neither Von Kohorn nor Chard discloses buffer is for marking the stored broadcast programming signal with a marker representative of a time of recording of the broadcast programming signal.

Woo discloses the CPU 370 writes data for date, channel and time into a program recording control sequence where it stores information identifying particular broadcasts a user desires to record (see col. 6, lines 38-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2611

modify Von Kohorn and Chard to provide a buffer for marking the stored broadcast programming signal with a marker as taught by Woo in order to reduce time when retrieve a particular segment of the broadcast program.

Regarding claim 15, Woo discloses matching the marking signal representative of information on a time notation relate to a program segment with the marker, thereby synchronizing the stored broadcast programming signal with the marking signal representative of information for modifying a broadcast programming signal (see col. 4, lines 35-60 and col. 5, lines 3-25).

18. Claims 16 –21, 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 4,605,973) and in view of Lewine (US 5,668,917).

Regarding claim 16, Von Kohorn discloses a system as discussed in the rejection of claim 1. However, Von Kohorn does not disclose the information for modifying a broadcast programming signal comprises a frame of video of the broadcast program signal.

Lewine discloses the information for modifying a video program comprising a frame of a video program (see col. 4, lines 52-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn to provide the information for modifying a broadcast programming signal

comprises a frame of video of the broadcast program signal as taught by Lewine in order to recognize and modify a frame in the broadcast signal.

Regarding claim 17, Von Kohorn discloses the receiver 44 send a request to central station to change instructions while on vacation or while away from home. The central station receives the request and sends command signal to receiving station based on the user instructions (see col. 10, lines 5-25). Inherently, the requested signal sent from receiver 44 comprises program identification system.

Regarding claim 18, Von Kohorn discloses receiving station can enter the numerical designation of the channel on which a program is to be received, this being the program which is edited (see col. 7, lines 60.65). Inherently, the program identification system is a numerical guide.

Regarding claim 19, Von Kohorn in view of Lewine discloses the central station receives the requested signal and transmits command signals based on the requested signal as discussed in the rejection of claim 17.

Regarding claim 20, Von Kohorn in view of Lewine discloses receiver 44 receives command signal representative of information on a frame of video of the broadcast signal as discussed in the rejection of claims 5 and 16.

Art Unit: 2611

Regarding claim 21, Lewine discloses matching the marking signal representative of information on a frame of video of the broadcast programming signal with the corresponding frame of video of stored broadcast programming signal, thereby synchronizing the stored broadcast programming signal with the marking signal representative of information for modifying a broadcast programming signal (see col. 5, line 48 – col. 6, line 31).

Regarding claim 71, the claim limitations read on the system being claimed in claim 20 and are analyzed as discussed in the rejection of claim 20.

19. Claims 31 -39 and 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 4,605,973) and in view of Legall et al (US 6,005,065).

Regarding claims 31, Von Kohorn discloses a system as discussed in the rejection of claim 1. However, Von Kohorn fails to disclose the system further comprising a data interface for coupling to a source of computer readable data, the computer readable data being representative of information suitable for viewing on a monitor.

Legall et al. discloses a system comprising a data interface for coupling to a source of computer readable data, the computer readable data being representative of information suitable for viewing on a monitor (see figure 1).

Regarding claim 32, Legall et al. discloses the computer readable data is representative of a beginning of a program segment (see figure 4).

Regarding claim 33, Legall et al. discloses the marking signal is generated based on the computer readable data (see figure 3C).

Regarding claim 34, Legall et al. discloses the computer readable data comprises a menu of program segments (see figure 3B and col. 5, lines 1-21). Legall et al. further discloses icons: stop 510, add 511, delete 514, edit 516 (see figure 5). However, neither Von Kohorn nor Legall et al. does not disclose a beginning of each of the program segments corresponding to a particular marking signal. Official Notice is taken that utilizing particular marking signal at beginning of each of program segment to increase accuracy is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn and Legall with a well-known technique of utilizing particular marking signal at the beginning of each of program segments in order to increase accuracy.

Regarding claim 35, Legall et al. discloses the computer readable data comprises program segment information (see figures 3B and 4).

Regarding claim 36, Von Kohorn in view of Legall et al. discloses system as discussed in the rejection of claim 35. However, neither Von Kohorn nor Legall et al. disclose a processor for halting playback of the broadcast programming signal during viewing of the program segment information. Official Notice is taken that it is well known in the art to halt playback a program during viewing of the program segment information to avoid missing any portion of the program previously being watching. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn and Legall et al. to provide a processor for halting playback of the broadcast programming signal during viewing of the program segment information in order to avoid missing any portion of the program previously being watched.

Regarding claim 37, Legall et al. discloses the processor for allowing simultaneous viewing of the broadcast programming signal and the program segment information (see figures 1 and 3A).

Regarding claim 38, Von Kohorn in view of Legall et al. discloses a system as discussed in the rejection of claim 35. However, neither Von Kohorn nor Legall et al. discloses the processor is coupled to the data interface and is adapted for determining

Art Unit: 2611

time remaining in a program segment or a total broadcast programming signal based on the program segment information and is adapted for generating a time remaining signal. Official Notice is taken that it is well known in the art to have a processor is coupled to the data interface and is adapted for determining time remaining in a program segment or a total broadcast programming signal based on the program segment information and is adapted for generating a time remaining signal to indicate the time remaining of a program segment. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn and Legal et al. with a processor is coupled to the data interface and is adapted for determining time remaining in a program segment based on the program segment information and is adapted to for generating a time remaining signal in order to indicate the remaining time so that the viewers know in advance the remaining time of the program.

Regarding claim 39, Legall et al. discloses the processor comprises a search program for searching the computer readable data for the occurrence of a selected search term (see figure 3G or figure 5).

Regarding claim 63, the claim limitations of the method reads on system being claimed in claims 33 and 34 and are analyzed as discussed in the rejection of claims 33 and 34.

Regarding claim 64, the elements of the method being claimed read on the elements of the system being claimed in claim 35 and are analyzed as discussed in the rejection of claim 35.

Regarding claim 65, the elements of the method being claimed read on the elements of the system being claimed in claim 36 and are analyzed as discussed in the rejection of claim 36.

Regarding claim 66, the elements of the method being claimed read on the elements of the system being claimed in claim 37 and are analyzed as discussed in the rejection of claim 37.

Regarding claim 67, the elements of the method being claimed read on the elements of the system being claimed in claim 38 and are analyzed as discussed in the rejection of claim 38.

20. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 4,605,973) in view of Legall et al (US 6,005,065), and further in view of Schindler (US 6,081,830).

Regarding claim 68, Von Kohorn in view of Legall et al. discloses a method as discussed in the rejection of claim 63. However, neither Von Kohorn nor Legall et al.

discloses receiving viewer comment related to the broadcast programming signal; and transmitting the viewer comments to remote location.

Schindler discloses a chat area 52 wherein the users can exchange comments related to the program being watching (see figure 3). Inherently, the method comprising: receiving computer readable data representative of viewer comments related to the program; and transmitting the computer readable data representative of viewer comments to the receiver. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn and Legall et al. with a method of receiving the viewer comments at the server and transmitting the viewer comments to the receiving site in order to exchange viewer comments related to the program.

21. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (US 4,605,973).

Regarding claim 40, Von Kohorn discloses a system as discussed in the rejection of claim 1. However, Von Kohorn fails to disclose the processor further comprises a segment processor for deleting a second segment of the stored broadcast programming signal in response to the marking signal, the marking signal indicating a second segment of the broadcast programming signal that is redundant with a first segment of the broadcast programming signal. Official Notice is taken that deleting a second

Art Unit: 2611

segment of a broadcast programming signal already stored in the buffer to reduce memory space is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Von Kohorn with a well-known technique of deleting second segment of a segment already stored in order to reduce space in a storage.

Allowable Subject Matter

22. Claim 46 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

23. The following is a statement of reasons for the indication of allowable subject matter: the prior art of records fails or fairly suggest a blocking signal is representative of information for preventing the selection of a second marking signal until after a predetermined segment of the broadcast programming signal has been viewed.

24. Claim 55 is allowed.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.

Son P. Huynh
June 12, 2002


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600